IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Bail Appl..No. 7708 of 2006()

Crime No.1075/06 of Central Police Station, Ernakulam

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: PETITIONERS

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1. SURAJ, S/O.K.G.SOMASEKHARAN,
AGED 26, ASWATHY BHAVAN, KAINAD P.O.,
VADAVUKODE, PUTHENCRUZ.

2. NAVEEN, S/O.K.K.SASI,
AGED 20, CHANDRATHIL, KALAPPADY,
N.PARAVOOR.

3. GIREESH, S/O.UNNIKRISHNAN, AGED 19,
KOMBANEZHATH, NJARAKKAL P.O., VYPIN.

4. KANNAN, S/O.P.N.MOHANAN,
AGED 19, PUTHENPURAKKAL, PAZHOOR P.O.,
PIRAVOM.

5. TITTU, S/O.P.A.ANTONY,
AGED 20, PANAKKAPARAMBIL HOUSE,
NAYARAMBALAM P.O.

6. ANIL RAJ, S/O.SURESH C.,
AGED 23, PALLIMURIYIL HOUSE,
MULAMKKULAM P.O., PIRAVOM.

BY ADV. SRI.KRISHNADAS P. NAIR
SRI.HARIDAS P.NAIR

RESPONDENTS:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 7708 of 2006

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Dated this the 12th day of January, 2007.

ORDER

Petitioners, who are accused Nos. 1 to 6 in Crime No.1075 of 2006 of the Central Police Station, Ernakulam for offences punishable under Sections 143, 147, 148, 324, 326 and 308 read with Section 149 I.P.C., seek anticipatory bail. They were in fact granted anticipatory bail by the Sessions Court, Ernakulam as per Annexure A order dated 21.8.2006 in Crl.M.C.No.993 of 2006. The said order states that it shall remain in force for two months from that date. Since the petitioners were not arrested in the meanwhile, there was no occasion for them to be enlarged on bail by the Investigating Officer. On 20.10.2006, they claim to have moved the C.J.M. Court for regular bail, which was not entertained. Thereafter, the petitioners moved the Sessions Court by filing Crl.M.C.No.1470 of 2006 seeking anticipatory on bail. That petition was not entertained for the reason that it is filed after 20.10.2006 and the petitioners were directed to surrender before the Magistrate and seek regular bail. It is thereafter that the petitioners have preferred the present application.

2. In as much as the petitioners were granted anticipatory bail the benefit of which could not be availed of since they were not arrested within two months as indicated in the order, I am inclined to permit the petitioners to surrender before the Investigating Officer within a specified period. Accordingly, the petitioners shall surrender before the Investigating Officer on any day between 15.1.2007 and 18.1.2007. Upon such surrender, the Investigating Officer shall release the petitioners on bail for a period of one month on each of them executing a bond for Rs.5,000/- (Rupees five thousand only) with two solvent sureties each for the like amount to the satisfaction of the said order and subject to the following conditions:-

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

5. Petitioners shall surrender before the Magistrate

concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

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